

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:

263 Greta Road, Winton
Crown Allotment 114, Parish of Winton

The application is for a permit to:

Use and develop the land for a quarry

The applicant for the permit is:

Mr Chris Alderton
Green Edge Environmental

The application reference number is:

P0088/24
DA7345

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must:

- * be made to the responsible authority in writing;
- * include the reasons for the objection; and
- * state how the objector would be affected.

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

The Responsible Authority will not decide on the application before:

12 December 2024

If you object, the Responsible Authority will tell you its decision.

Office Use Only

Application No.:

Date Lodged: / /

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

⚠ Questions marked with an asterisk (*) must be completed.

⚠ If the space provided on the form is insufficient, attach a separate sheet.

ℹ Click for further information.

Clear Form

The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 263	St. Name: Greta
Suburb/Locality: Winton		Postcode: 3673

Formal Land Description *
Complete either A or B.

⚠ This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A Lot No.: Lodged Plan Title Plan Plan of Subdivision No.:

OR

B Crown Allotment No.: 114 Section No.:

Parish/Township Name: Winton

The Proposal

⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

i For what use, development or other matter do you require a permit? *

Development of a small quarry for the quarrying of rock.

The development has been assessed as qualifying for exemption under section s.5AA of the Act as set out below and will not require a Work Authority under the Act (refer correspondence from the Earth Resources Regulator.

No native vegetation is proposed to be impacted, so no approval under Clause 52.17.

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist, and if required, a description of the likely effect of the proposal.

i Estimated cost of any development for which the permit is required *

Cost \$8,000

⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.

Existing Conditions ◀ ▶

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

The land is cropped and grazed with no infrastructure on site.

Provide a plan of the existing conditions. Photos are also helpful.

Title Information ◀ ▶

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details ◀ ▶

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:		
Title: Mr	First Name: Harry	Surname: Askew
Organisation (if applicable): Trustee for Askew Farming		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Please provide at least one contact phone number *

Contact information for applicant OR contact person below	
Business phone:	Email: harry.askew@icloud.com
Mobile phone: 0447078744	Fax:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details*		Same as applicant <input type="checkbox"/>
Name:		
Title: Mr	First Name: Chris	Surname: Alderton
Organisation (if applicable): Green Edge Environmental P/L		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 60	St. Name: Murray Street
Suburb/Locality: Tanunda	State: SA	Postcode: 5352

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:		Same as applicant <input type="checkbox"/>
Title: Mr	First Name: Wayne	Surname: Beattie
Organisation (if applicable): n/a		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name: R.M.B. 1853 BENALLA
Suburb/Locality: Benella	State: VIC	Postcode: 3672
Owner's Signature (Optional):	Date: day / month / year	



Declaration **I**

This form must be signed by the applicant *

⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:

Hussell

Date: 1 August 2024

day / month / year

Privacy consent

I give consent to my personal information disclosed in the application to be made available for public inspection, including on Council's public website, whilst the application is being determined, in accordance with Section 51 of the Planning and Environment Act 1987.

Yes No

Signature:

Hussell

Date: 1 August 2024

day / month / year

Need help with the Application? **I**

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer?

No Yes

If 'Yes', with whom?:

Date:

day / month / year

Checklist **I**

Have you:

Filled in the form completely?

Paid or included the application fee?

⚠ Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

Provided all necessary supporting information and documents?

A full, current copy of title information for each individual parcel of land forming the subject site.

A plan of existing conditions.

Plans showing the layout and details of the proposal.

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).

Completed the relevant council planning permit checklist?

Signed the declaration above?

Lodgement **I**

Lodge the completed and signed form, the fee and all documents with:

Benalla Rural City Council
PO Box 227
Benalla VIC 3671

Customer Service Centre
1 Bridge Street East
Benalla VIC 3671

Contact information:

Phone (03) 5760 2600
Email: council@benalla.vic.gov.au
DX: 32230

Deliver application in person, by post or by electronic lodgement.

TITLE PLAN		EDITION 1	TP 276193F
Location of Land Parish: WINTON Township: Section: Crown Allotment: 114 Crown Portion: Last Plan Reference: Derived From: VOL 9514 FOL 802 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 19/01/2000 VERIFIED M.P.	
LENGTHS ARE IN METRES		Metres = 0.3048 x Feet Metres = 0.201168 x Links	
			Sheet 1 of 1 sheets

**Attachment C – Confirmation of the 5AA exemption from
the Earth Resources Regulator**

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Department of Energy, Environment and Climate Action

Chris Alderton
Green Edge Environmental
178 Jutland Road
SPRINGTON SA 5235
By email: chris@geenvironmental.com.au

Earth Resources Regulator
GPO Box 500
Melbourne, Victoria 3001
Telephone: 1300 136 186
www.resources.vic.gov.au

Dear Chris,

ADVICE ON APPLICATION FOR EXTRACTIVE INDUSTRIES EXEMPTION - SECTION 5AA

I refer to the application for exemption under 5AA to extract stone at 263 Greta Road Winton VIC 3673 received on 3 June 2024.

The provisions of the *Mineral Resources (Sustainable Development) Act 1990* (Act) do not apply to extractive industries (the extraction or removal of stone from land) if exempted under section 5AA of the Act.

The application has been assessed as qualifying for exemption under section s.5AA of the Act as set out below and will not require a Work Authority under the Act.

Section 5AA(1) of the Act exempts specific extractive industry activities, by notice published in the Government Gazette by the Minister, from compliance with any of the provisions of the Act relating to extractive industries; whether unconditionally or on specified conditions and either wholly or to such an extent as is specified. The specific exemption in this instance is as follows:

Victorian Government Gazette - No. S 493 Tuesday, 29 December 2009:

8. Any extraction or removal of stone from any land to a depth of less than 2 metres below the natural surface, if the total of the area or adjacent areas of the surface of the land broken up by the extraction or removal is less than 1 hectare.

It should be noted that an extractive industry activity exempt under the Act does not relieve you from the liability under any other Act for a failure to obtain any necessary consent or other authority or to comply with any applicable requirement. You should contact the relevant municipal council in relation to any planning permission that will be required prior to commencing the proposed extractive industry.

Please be advised that it is an offence to operate without the required permit/s, approvals and consents.

Enquiries on this matter may be directed to Ben Seamons, Senior Assessments Officer on 0427 809 055 or by email ben.seamons@decca.vic.gov.au

Yours sincerely



Rachael Roberts
Delegate of the Department Head
Acting Assistant Director Assessments
Earth Resources Regulator

26 July 2024

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Melissa Van Der Zalm

From: Chris Alderton <chris@geenvironmental.com.au>
Sent: Thursday, 8 August 2024 10:28 PM
To: Benalla Council Email
Subject: Planning Permit application - Extractive Industry 236 Greta Road Winton
Attachments: L001a_Winton quarry.pdf; Planning Permit Applicaion_signed.pdf

Please be cautious
This email was sent from outside of your organisation

Hi Council,

Please find attached a planning permit application for a small extractive industry.

Please advise if further information is required.

Regards
Chris

Chris Alderton
Ph: 0438 345 109
chris@geenvironmental.com.au
www.geenvironmental.com.au



Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<https://www.mailguard.com.au/mg>



Phone: 0438 345 109
E-Mail: chris@geenvironmental.com.au
www.geenvironmental.com.au
ABN: 18 654 533 712

1 August 2024

Benalla Rural City Council
PO Box 227
Benalla VIC 3671

Dear Council,

RE: Extractive industry, 236 Greta Road, Winton

Please find enclosed a planning permit application for a small quarry, proposed for 236 Greta Road, Winton (Attachment B).

The proposed quarry will not impact on naïve vegetation under clause 52.17 of the planning scheme. The trees within the quarry footprint will be avoided and the Tree Protection Zone (TPZ) will be outside of the quarry area (Attachment A).

The provisions of the *Mineral Resources (Sustainable Development) Act 1990 (Act)* do not apply to extractive industries (the extraction or removal of stone from land) if exempted under section 5AA of the Act. In this case the development is less than 2ha in area and 2m in depth, therefore exempt from a Work Authority under section 5AA (refer Attachment C).

Please find attach the following supporting information:

Attachment A – Plan of quarry

Attachment B – Title search

Attachment C – Confirmation of the 5AA exemption from the Earth Resources Regulator

The below information is provided to support the assessment of the application by Council:

1. A written description of how the proposed amended extractive industry will operate.

a. Anticipated hauling routes of material extracted from the site The existing haul road through the property (between Greta Road and the proposed quarry) will be used, no other roads will be required. From Greta Road, material will be hauled to the final destination for the product.

b. The type and number of machinery proposed to used as part of the extractive industry The hard rock resource will likely be broken by conventional excavators. A wheel loader or excavator will be used to load the Processing Plant (mobile crusher) and then load haul trucks with the resource where it will be transported. A loader will then sort the crushed material into relevant piles up to 3m in height and will not cause

dust issues or visual impacts as they will be on a campaign basis. It is expected that upto 2,5,000T could be stockpiled at any one time depending on the size of the campaign.

c. The location and type of any site office and/or amenities These will be mobile and move with the activity if required.

d. Hours of operation The proponent prefers flexibility to load and cart material from the quarry outside of normal business hours, especially over summer. The intent of this is to avoid the hottest part of the day to operate machinery while meeting requirements of clients efficiently. Although most vehicle movements, extraction and crushing will occur during daylight hours there may be occasions where the quarry is operational outside these hours. As the quarry is far from dwellings and other infrastructure there should be no impact on the community.

e. Parking adjected to the quarry on cropping land.

f. Access and internal accessways The existing internal road will be used to access the site.

g. Fuel storage areas Mobile refuelling will occur, and be brought on to site each day.

h. Waste storage areas A skip bin (if required) will be on site adjacent to the amenities.

2. The following information required by Clause 52.09-2 of the Benella Planning Scheme (the Scheme):

a. A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the *Mineral Resources (Sustainable Development) Act 1990*. Not required as the small quarry is exempt under section 5AA of the Act.

b. The written notice of statutory endorsement under section 77TD(1) of the *Mineral Resources (Sustainable Development) Act 1990*. Not applicable.

c. Any conditions specified under section 77TD(3) of the *Mineral Resources (Sustainable Development) Act 1990*. Not applicable.

3. Before deciding on an application to use and develop land for extractive industry, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- **The effect of the proposed extractive industry on any native flora and fauna on and near the land** The proposed small quarry is on land that is used for cropping and grazing. There is native vegetation on the western side of the quarry, which will be avoided and excluded from quarrying. The proponent is aware of Clause 52.17 requiring planning permission for the removal of native vegetation.
- **The impact of the proposed extractive industry on sites of cultural and historic significance, including any effects on Aboriginal places.** The site is not within a cultural heritage significance overlay, and no known cultural heritage sites occur from the proposed location.
- **The effect of the proposed extractive industry on the natural and cultural landscape of the surrounding land and the locality generally.** The proposed quarry is in an area that has minor historical quarrying activity. The small scale of the proposal will not impact natural or cultural landscape of the surrounding land and is hidden from public areas.

- **The ability of the proposed extractive industry to contain any emissions within the boundaries of the land in accordance with relevant legislation.**
The small-scale project is minor in nature and can contain any emissions within the boundaries of the land.
- **The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.** The small scale of the project will not effect vehicle traffic any more than expected during the harvest period. No noise, dust or vibration are expected that would affect the amenity more than general farming activities. No blasting is proposed.
- **The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.** Upon completion of the proposal, it is expected that the land will return to grazing. It is expected that a small depression 1.5m deep will remain, to be utilised as a stock watering dam. The quarry is screened by the natural topography of the land and can not be seen from any public viewpoints.
- **The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.** Not applicable as the land is freehold and no public access is allowed.
- **The effect of the proposed extractive industry on groundwater quality and the impact on any affected water uses.** Due to the shallow depth of the proposed quarry, no impact to groundwater will occur. No contamination of the soils from the proposed developed is expected that in turn could contaminate and reduce groundwater quality.
- **The impact of the proposed extractive industry on surface drainage and surface water quality.** Due to the small scale of the proposed quarry, no impacts on surface water drainage or water quality are expected. Existing surrounding drainage patterns will not be impacted.
- **Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement under the *Mineral Resources (Sustainable Development) Act 1990*.** No applicable as not work plan is required.

4. Site plan that details:

- a. how the proposed amended extractive industry meets the requirements of clause 52.09-6 of the Scheme.** See attached plan, no alteration is required to be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping. No trees or shrubs are proposed to be planted as natural topography of the land screens the proposed development. Parking areas will be provided for employees' cars and all vehicles used on the land adjacent to the quarry.
- b. The location of any existing native vegetation on the site** See attached plan, no native vegetation is proposed to be removed.
- c. The extent of native vegetation proposed to be removed.** None proposed to be removed.

5. Should the application require the removal of native vegetation; the following

information is required:

a. The application requirements specified in the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) No native vegetation is proposed to be removed.

b. A Native Vegetation Information Management Report specific to the vegetation sought to be removed N/A

I trust this information is sufficient for your purposes, should further clarification be required please contact the undersigned on Mob 0438 345 109.

Yours Sincerely

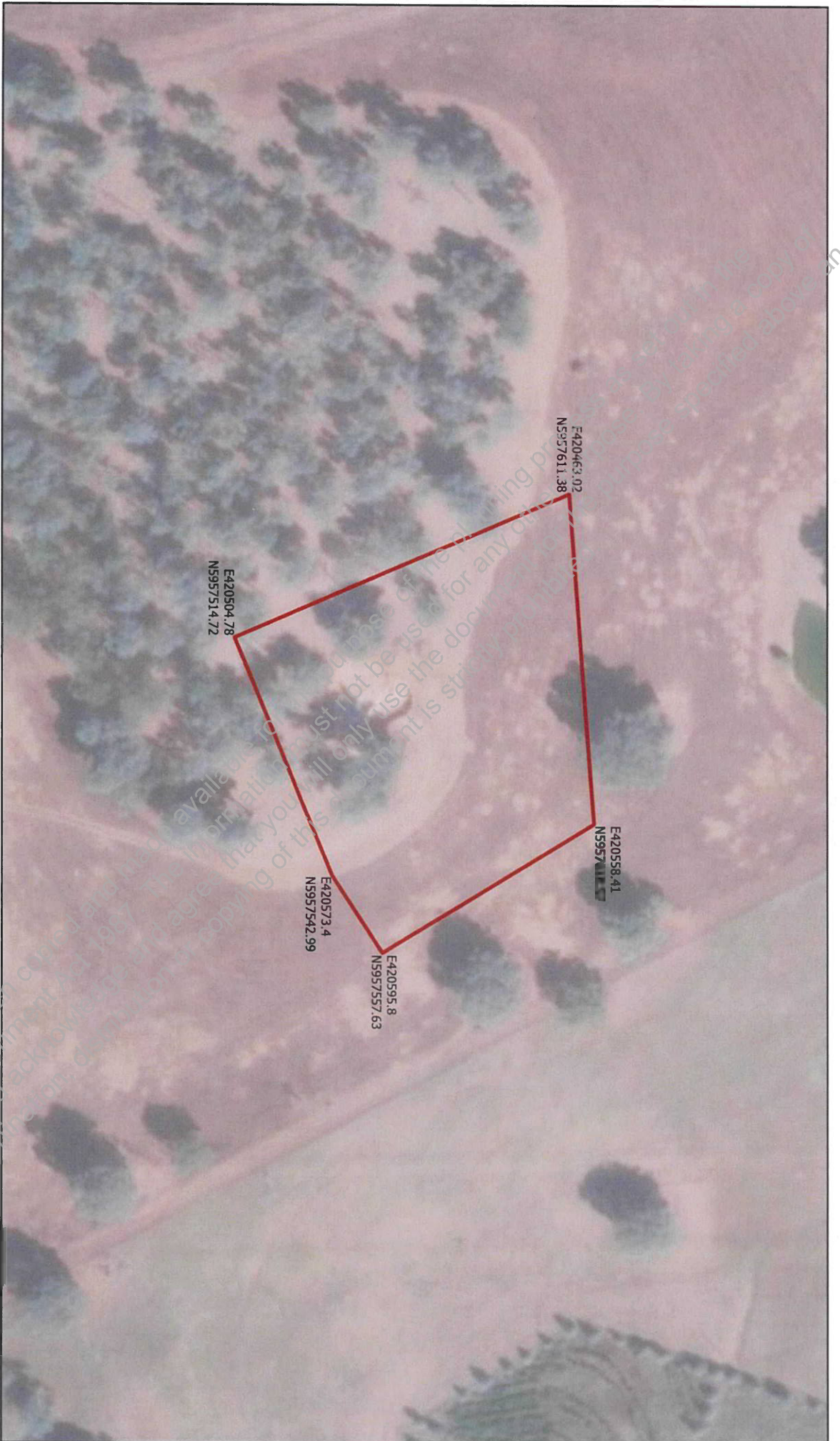


Chris Alderton
Director and Principal Consultant

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Attachment A – Plan of quarry

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LEGEND
 Quarry Extent (Tenement Boundary)

greendedge
 environmental

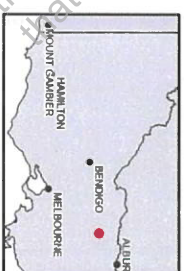
Figure 1

Askew Farming
 Site Map



Scale 1:1,500 G.M.

Coordinate System: GDA 1984 MGA zone 56



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 09514 FOLIO 802

Security no : 124115386799U
Produced 29/05/2024 05:15 PM

LAND DESCRIPTION

Crown Allotment 114 Parish of Winton.
PARENT TITLE Volume 02685 Folio 981
Created by instrument K379836 19/05/1983

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
WAYNE THOMAS BEATTIE of R.M.B. 1853 BENALLA
T025895G 11/04/1994

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP276193F FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 263 GRETA ROAD WINTON VIC 3673

ADMINISTRATIVE NOTICES

NIL

eCT Control 19806V KEY CONVEYANCING (VICTORIA) PTY. LTD.
Effective from 30/12/2021

DOCUMENT END

greenedge

environmental

Phone: 0438 345 109
E-Mail: chris@geenvironmental.com.au
www.geenvironmental.com.au
ABN: 18 654 533 712

10 September 2024

Benella Rural City Council
Attn: Joel Ingham
c/o council@benella.vic.gov.au

Dear Joel,

RE: P0088/24 Additional information to support the application

This information is provided to support the assessment of the of a planning permit application P0088/24. Text in **bold** are the questions asked and *italics* is the proponents response.

A copy of a fully dimensioned site plan detailing:

- **Location and dimensions of quarry in relation to boundaries and any existing features on site** *Refer Attachment A*
- **Formal access and egress for the site and internal roads capable of supporting proposed machinery** *Refer Attachment A*
- **Vehicle parking areas (car parking for staff and machinery areas)**
- **Proposed storage areas on site** *Refer Attached A*
- **Details of mobile office** *No mobile office proposed*

A Traffic Impact Assessment detailing, among other items:

- **the proposed vehicle movements to and from the site, including amount and frequency** – *maximum of two light vehicles accessing the site in the morning and leaving in the afternoon, Truck and dog and Semi trailer, max four per day (Total of 8 movements)*
- **Impacts on the site and surrounding road network**, *negligible these movements are in line with those normally experienced during hay carting, stock movements etc.*
- **Car parking required and location/ access; and** *refer Attachment A, two parks for light vehicles, and machinery and storage.*
- **any traffic mitigation measures required to support the proposal.** *None proposed as the movements are in line with those that would normally be expected in this environment.*

Council require an arboricultural report, prepared by a suitably qualified consultant, detailing the species, location and health of trees within the quarry area and measures to ensure the protection of trees during quarrying activities. *As identified in the planning permit application no native vegetation will be impacted by the proposed works. The location of the trees is shown in Attachment A and*

will have a tree protection zone identified by high visibility fencing inline with Australian Standard 4970-2000, Australian Standards, tree protection standard. The trees are all Grey box (*Eucalyptus macrocarpa*) in good health, no understory and will be protected with a TPZ of 12x diameter at breast height.

The DBH of each tree and the TPZ for the trees are provided below with the tree number shown in Attachment A:

- T1 - DBH 67.5cm TPZ 8m
- T2 - DBH 103cm TPZ 12m
- T3 - DBH 61cm TPZ 7.32m
- T4 - DBH 38cm TPZ 4.56m
- T5 - DBH 41cm TPZ 4.9cm
- T6 - DBH 82cm TPZ 9.8m

No further measures for protection are proposed other than working under AS 4970-2000, Australian Standards, tree protection standard.

I trust this information is sufficient for your purposes, should further clarification be required please contact the undersigned on Mob 0438 345 109

Yours Sincerely



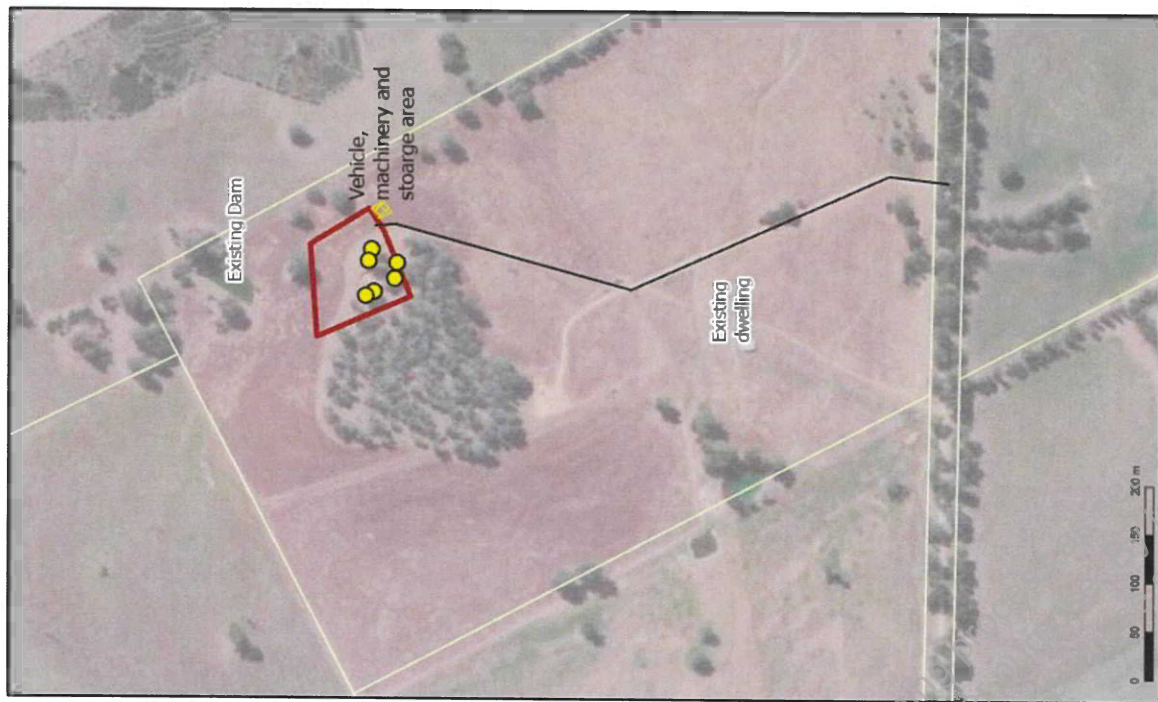
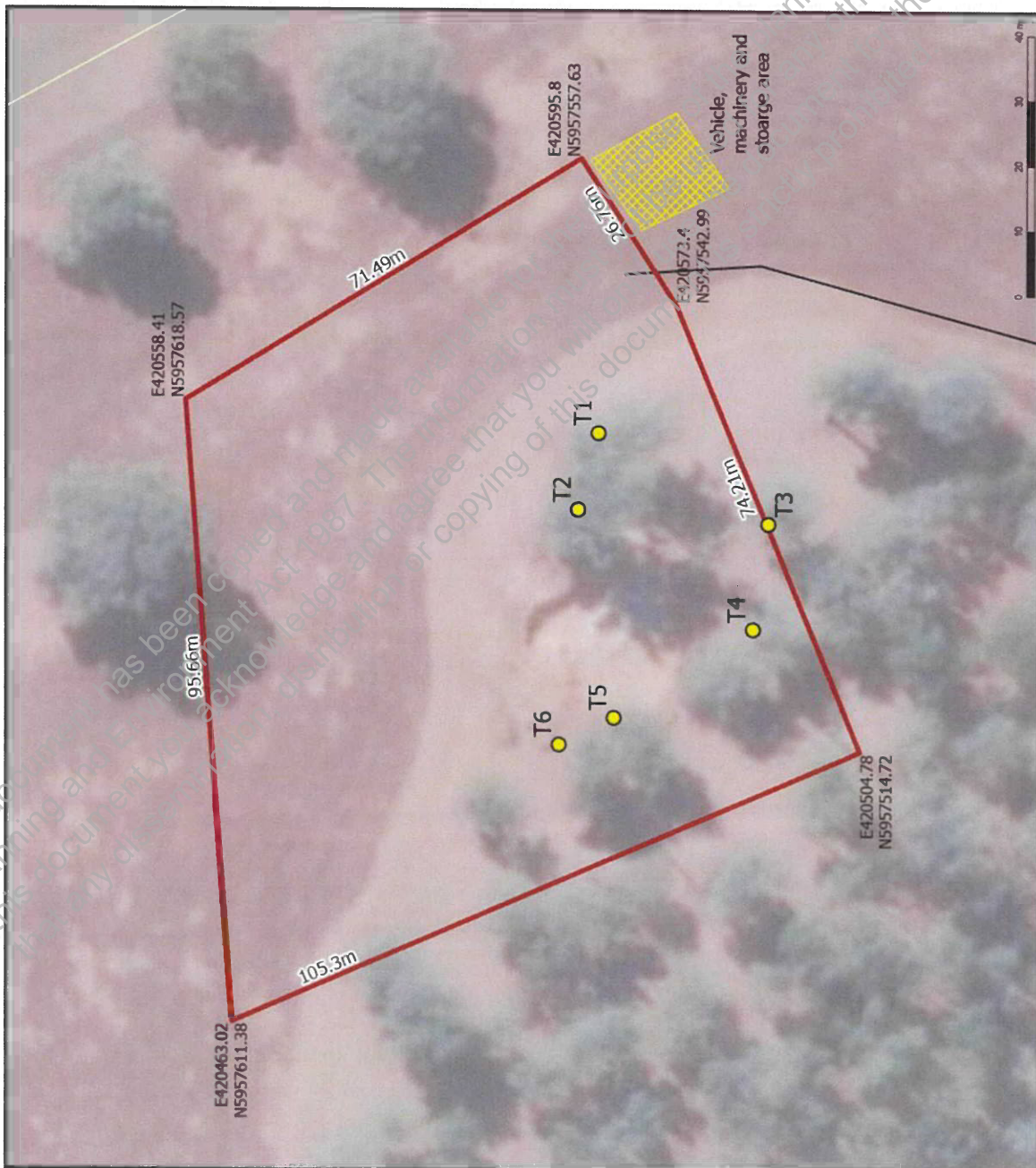
Chris Alderton

Enc Attachment A

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Attachment A – Site plan

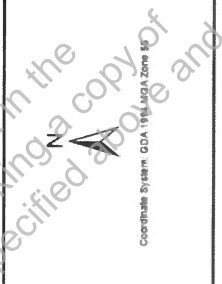
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greenedge
environmental

Figure 1
Askew Farming
Site Map

- LEGEND**
- Tree
 - Existing Internal Road
 - Storage Area
 - Cadastre
 - Quarry Extent (Tenement Boundary)



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